

Docket Item #2
BZA CASE #2004-0007

Board of Zoning Appeals
June 24, 2004

ADDRESS: 405 RUCKER PLACE
ZONE: R-5, RESIDENTIAL
APPLICANT: BOB AND LAURA REDDING, OWNERS,
BY GEORGE MYERS, ARCHITECT

ISSUE: Variance to construct a two story addition 18.00 feet from the front property line, a covered porch 10.00 feet from the front property line, and a two story addition 17.00 feet from the front property line.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-406(A)(1)	Front Yard (Two-story addition)	25.00 feet	18.00 feet	7.00 feet
	Front Yard (Covered Porch)	25.00 feet	10.00 feet	15.00 feet
	Front Yard (Two-story addition)	25.00 feet	17.00 feet	8.00 feet

BOARD OF ZONING APPEALS ACTION OF MAY 13, 2004: On a motion to defer by Mr. Curry and seconded by Mr. Almquist, the variance was deferred by a vote of 7 to 0.

Reasons: To allow the applicant time to explore alternative designs to address the building mass.

Speakers:

Laura Redding, owner and George Myers, architect, made the presentation.

Pam Hunt, neighbor at 311 Rucker Place, spoke in support.

David Browning, neighbor at 704 Junior Street, spoke in support, but with concerns regarding water runoff.

Alan Zlotky, neighbor at 407 Rucker Place, spoke in support.

STAFF RECOMMENDATION:

The staff **recommends denial** of the requested variances because they do not meet the standards for a variance.

DISCUSSION:

1. The applicants request variances to construct three additions to the single-family dwelling at 405 Rucker Place. The applicant also proposes to construct two other additions which would not require a variance.
2. The subject property is comprised of two legal lots of record with a combined lot area of 8,656 square feet. The property is a triangular lot with 183.54 feet of frontage on Rucker Place and lot depth of 94.34 feet along the west property line. The hypotenuse at the east property line measures 206.37 feet.
3. The existing two and half-story dwelling is located 16.00 feet from the front property line facing Rucker Place, 20.00 feet from the west property line and 24.50 feet from the east property line.
4. A total of five additions are proposed for the house. A description of each improvement is listed as follows:

Two-Story Addition

A two-story addition on the north facade of the existing dwelling measuring 12.00 feet by 22.00 feet. The addition measures 21.25 feet in height from average finished grade to the midpoint of the gable facing the north property line. The addition will be located 8.00 feet from the north property line and 18.00 feet from the west front property line. A variance of 7.00 feet is required from the west front property line adjacent to Rucker Place.

Covered Porch

A one-story covered open porch on the front building wall adjacent to Rucker Place. The porch measures 6.00 feet by 8.00 feet and will be located 10.00 feet from the west front property line. A variance of 15.00 feet is required from the front property line adjacent to Rucker Place.

Two-Story Addition:

A two-story addition located on the south wall of the existing dwelling. The addition measures approximately 34.00 feet by 24.00 feet and will be located 17.00 feet from the west front property line. A variance of 8.00 feet is required from the front property line adjacent to Rucker Place.

The following improvements do not require a variance:

One-Story Addition:

A one-story addition on the east facade of the dwelling measuring approximately 40.00 by 12.50 feet. The addition measures 13.00 feet high from average finished grade to the highest roof eave facing the rear east property line and will be located a minimum of 11.55 feet from the rear east property line.

Two-Story Addition:

A two-story addition on the east facade of the of the existing dwelling measuring 21.16 feet by 10.00 feet. The addition measures 26.00 feet high from average finished grade to the midpoint of the highest gable facing the rear east property line and will be located a minimum of 24.16 feet from the rear east property line.

- 7. Upon completion of the proposed improvements, the existing house will increase in floor area from 1,370 square feet to 3,531 square feet an increase of 257 percent.
- 8. Since 1993, there have been no similar variance requests for rear additions or porches in the immediate area heard by the Board of Zoning Appeals.
- 9. There have been no variances previously granted for the subject property.
- 10. Master Plan/Zoning: The subject property is zoned R-5 residential and has been so zoned since adoption of the Third Revised Zoning Map in 1951 and identified in the Northridge/Rosemont Small Area Plan for residential land use.

REQUESTED VARIANCES:

Section 3-406(A)(1), Front Yard:

The R-5 zone requires a minimum front yard setback of 25.00 feet. The applicants propose to construct a two-story addition 18.00 feet from the west front property line (a variance of 7.00 feet is required); construct a covered porch 10.00 feet from the front property line (a variance of 10.00 feet is required); and, construct a two-story addition 17.00 feet from the front property line (a variance of 13.00 feet is required).

NONCOMPLYING STRUCTURE:

The existing dwelling at 405 Rucker Place is noncomplying structure with respect to the following:

	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Front Yard	25.00 feet	16.00 feet	9.00 feet

STAFF ANALYSIS UNDER CRITERIA OF SECTION 11-1103:

1. Does strict application of the zoning ordinance result in undue hardship to the property owner amounting to a confiscation of the property, or prevent reasonable use of the property?

The subject property is a triangular shaped lot with topography sloping from the rear of the house toward the east property line. The subject lot exceeds the R-5 zone minimum 5,000 square foot lot area requirement by 3,656 square feet. Of the 8,656 square feet of total lot area, 4,488 square feet of the lot is located outside of required setbacks. The subject property is currently developed with a 1,370 square foot two and half-story dwelling. Although the lot is triangular, strict application of zoning requirements does not result in confiscation of the property nor does it diminish reasonable use of the property.

2. Is the hardship identified above unique to the subject property, or is it shared by other properties in the neighborhood or the same zone?

The lot is an unusual triangular configuration but is larger than all of the lots on the blockface with the exception of 311 Rucker Place immediately adjacent to the subject property. The lots on the blockface have similar west front setbacks and building footprint configurations. No hardship has been established in this case.

3. Was the hardship caused by the applicant and, if so, how was it created? Or did the condition exist when the property was purchased and, if so, did the applicant acquire the property without knowing of the hardship; how was the hardship first created?

The existing dwelling was constructed in 1935 and predates current zoning.

- 4. Will the variance, if granted, be harmful in any way to any adjacent property or harm the value of adjacent and nearby properties? Will it change the character of the neighborhood?

Staff believes that the proposed additions within required setbacks will have an adverse impact on the character of the block. The applicants propose to more than double the amount of mass on the lot which would result in a building footprint far greater than the remaining dwellings on this street. Approval of the proposed addition could create an undesirable precedent for allowing development of this block face to occur within established setbacks. The front wall of the subject property already sits closer to the front property line than any other dwelling on this street frontage. The project extends the footprint of the building and will place an even greater amount of mass in close proximity to the front property line which would adversely alter the character of the block face. Staff cannot support the significant encroachment into required front yard which would alter the character of the block face and place a significant amount of mass in proximity to the right-of-way.

- 5. Have alternate plans been considered so that a variance would not be needed?

Alternate plans considered did not meet the desires of the applicants.

- 6. Is any other official remedy available to relieve the hardship?

No official remedy exists except a variance.

DEPARTMENTAL COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

* The applicant is advised that if the variance or special exception is approved the following additional comments are required.

Transportation and Environmental Services:

- C-1 Change in point of attachment or removal of existing overhead utility services will require under grounding or a variance. (Sec. 5-3-3)
- C-2 Any work within the right-of-way requires a separate permit from T&ES.(Sec. 5-3-61)
- R-1 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity.
- R-2 An erosion and sediment control plan must be approved by T&ES prior to any land disturbing activity greater than 2500 square feet.
- R-3 If the construction of the residential additions will result in land disturbing activity in excess of 2500 square feet. The applicant is required to comply with the provisions of Article XIII of the City’s zoning ordinance for storm water quality control. The applicant may request, in writing to the Director of T&ES, a waiver from the requirements of the ordinance.
- R-4 City Code Section 8-1-22 requires that roof, surface and sub-surface drains be connected to the public storm sewer system. Where storm sewer is not available applicant must provide a design to mitigate impact of storm water drainage onto adjacent properties and to the satisfaction of the Director of Transportation & Environmental Services.

Code Enforcement:

- C-1 Prior to the issuance of a demolition permit or land disturbance permit, a rodent abatement plan shall be submitted to Code Enforcement that will outline the steps that will taken to prevent the spread of rodents from the construction site to the surrounding community and sewers.

- C-2 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-3 A soils report must be submitted with the building permit application.
- C-4 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-5 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-6 Construction permits are required for this project. Plans shall accompany the permit application that fully detail the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.
- C-7 Permission from adjacent property owners is required if access to the adjacent properties is required to complete the proposed construction. Otherwise, a plan shall be submitted to demonstrate the construction techniques utilized to keep construction solely on the referenced property.

Recreation (Arborist):

- F-1 The proposed addition will be built within 15 feet of a large white oak tree located on the adjacent property. Excavation for the foundation/footing will disrupt a portion of the root system of the tree, negatively affecting the health of the tree.
- F-2 A large limb from the tree that hangs over the applicants property would most likely have to be removed in order to provide room to construct the addition.
- R-1 Construction within the dripline of the tree should be avoided if possible.

Historic Alexandria (Archaeology):

- F-1 There is low potential for this project to disturb significant archaeological resources. No Archaeological action is required.

Other Requirements Brought to the Applicant's Attention:

- C-1 A wall check survey plat shall be submitted to Planning and Zoning when the building footprint is in place, pursuant to Alexandria City Code section 8-1-12.